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January 25, 2016

File No.  
50013.1654

Hon. Loretta A. Preska  
Chief Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: Rold v. Raff & Becker, LLP et al., 14-CV-4393

Dear Chief Judge Preska:

We represent Defendants Raff & Becker, LLP, David A. Raff and Robert L. Becker in the above referenced action. We write in response to the letter by counsel for Plaintiff William J. Rold, dated January 22, 2016. Plaintiff's counsel's letter contains what is described as an "interim proposal for advancement of judicial disengagement in *Barcia*." In our view, this proposal amounts to an improper attempt by Plaintiff's counsel to augment its opposition to the pending motions to dismiss filed by the Defendants herein. Accordingly, plaintiff's counsel's letter should be disregarded in its entirety.

While Plaintiff Rold may have his own opinions as to how "judicial disengagement" should be achieved in the *Barcia* matter, those opinions are completely irrelevant to the allegations and causes of action alleged by Rold in this case. It is wholly inappropriate for Rold to use the docket in this matter as a forum to express his opinions on *Barcia*.

We represent Raff & Becker, LLP as defendants in this matter only. As such, we do not intend to address the merits of Rold's proposal. It is my understanding that Raff & Becker, LLP, in its capacity as lead plaintiff's counsel in the *Barcia* matter, intends to address Rold's proposal via a letter to be filed in the *Barcia* case, which we contend is the only appropriate forum for discussion of a *Barcia* settlement.

Respectfully,



Philip Furia for  
LEWIS BRISBOIS BISGAARD & SMITH LLP